IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

SUMMONS FOR JUDGMENT NO.562 OF 2006

IN

SUMMARY SUIT NO. 1393 OF 2006

...

Babulal Somaram Bhati ...Plaintiff

v/s.

Kailash Chandak ...Defendant

...

Mr.S.M.Jain for the Plaintiff.

Mr.R.S.Champawat for the Defendant.

...

CORAM: D.K.DESHMUKH, J.

DATED: 7TH FEBRUARY,2007

P.C.:

. The Plaintiff is seeking money decree for recovery of the price of the goods which according to the

Plaintiff have been sold by the Plaintiff to the Defendant. Defendant denies receipt of the goods. The goods were supposed to have been delivered in the month of March, 2003. But the advocate's notice was sent in March, 2006. There is not a single document showing that the amount was demanded by the Plaintiff from the Defendant. The Plaintiff will have to lead oral evidence to show that the goods have actually been received by the Defendant. Suit, therefore, cannot be decreed in the summary jurisdiction. Summons for judgment is, therefore, disposed of. Defendant is granted unconditional leave to defend the suit. Suit be transferred to commercial cause list. Written statement to be filed within a period of eight weeks from today.

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